

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to Plaintiff Cierra
White, as Expected Administrator of the
Estate of Clifford Noel, Jr., 2:17-cv-
01350-DGC

**FIRST AMENDED SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by Reference [*Doc. 364*].

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Clifford Noel, Jr.

2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of
consortium claim:

Cierra White

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Cierra White, as Expected Personal Representative of the Estate of Clifford Noel,
Jr.

4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

Pennsylvania

5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

Pennsylvania

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6. Plaintiff's current state(s) of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Pennsylvania

8. Defendants against whom Complaint is made:

☒ C.R. Bard, Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian® Vena Cava Filter

☒ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product: 8/17/2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability — Manufacturing Defect

☒ Count II: Strict Products Liability — Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability — Design Defect

☒ Count IV: Negligence — Design

☒ Count V: Negligence — Manufacture

☒ Count VI: Negligence — Failure to Recall/Retrofit

☒ Count VII: Negligence — Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Maryland Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☒ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 Respectfully submitted this August 28, 2020.

2 /s/ Marlene J. Goldenberg

3 Stuart L. Goldenberg (*pro hac vice*)

4 Marlene J. Goldenberg (*pro hac vice*)

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11 *Attorneys for Plaintiffs*